

Agency Legislative Proposal - 2013 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

CTMD 1

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency:

CONNECTICUT MILITARY DEPARTMENT (CTMD)

Liaison: Lieutenant Colonel (LTC) Tim Tomcho

Phone (860) 548-3203

E-mail: timothy.tomcho@us.army.mil

Lead agency division requesting this proposal: Office of the Adjutant General

Agency Analyst/Drafter of Proposal: LTC Tomcho

Title of Proposal

AN ACT CONCERNING STATE MILITARY SERVICE

Statutory References : 27-61, 27-67, 31-58(f), 31-275(9), 27-75, 5-259d(b) and (c), 29-1s(a)

Proposal Summary

To revise statutes pertaining to state military service: (1) statute ordering state military forces to duty (paid and voluntary duty), (2) to ensure workers' compensation coverage for state military forces performing state military duty, (3) to clarify that state military forces are not considered "labor," and (4) to provide the Adjutant General authority for authorizing memorials to service members and veterans on state military property (at no cost to the state).

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

• Reason for Proposal

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) Have certain constituencies called for this action?*
- (4) What would happen if this was not enacted in law this session?*

• Origin of Proposal

☐ New Proposal

☒ Resubmission

If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

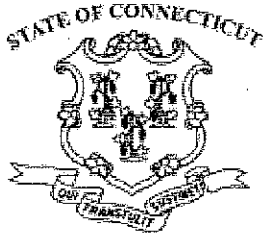
Agency Name: Agency Contact (name, title, phone): Date Contacted: Approve of Proposal ___ YES ___ NO ___ Talks Ongoing
Summary of Affected Agency's Comments No significant impact to other agencies.
Will there need to be further negotiation? ___ YES ___ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation) n/a
State: Minimal/indeterminate (see fiscal impact statement with bill)
Federal N/a
Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

These statutory revisions will clarify the status of members of the state armed forces and codify agency practices permitting military members to perform duty without pay, while clarifying their status as armed forces exempt from state labor laws. It also addresses a gap in worker's compensation coverage for state military members performing State Active Duty. Additionally, the bill will revise the Adjutant General's authority to permit the emplacement of military memorials on state military property.



AN ACT CONCERNING STATE MILITARY SERVICE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 27-61 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this part, "member of the armed forces of the state" means a member of the organized militia, the National Guard, the naval militia and retired members thereof detailed from the retired list for the purpose of performing active military duty.

(b) For military service when ordered out by the Governor, except when federal pay has been authorized, each [commissioned officer, warrant officer and enlisted person] member of the armed forces of the state assigned to a federally recognized National Guard unit in Connecticut shall be paid at the same rate, including longevity pay and allowances, as would be authorized if ordered out by federal authority. [but such rate shall be increased by the amount of ten dollars for enlisted persons and five dollars for warrant officers and first and second lieutenants.]

(c) For military service when ordered out by the Governor, each [commissioned officer, warrant officer and enlisted person] member of the armed forces of the state in a unit of the organized militia which is not federally recognized shall be paid on the same scale as the federal pay for corresponding grades [in the tables of organization] of the federally recognized National Guard, [increased by the amount of ten dollars for enlisted persons and five dollars for warrant officers and first and second lieutenants] including longevity pay and allowances.

(d) Unless otherwise provided by law, the determination of the corresponding grades in the [organized militia, other than the federally recognized National Guard] armed forces of the state, shall be made by the Adjutant General. [Officers, warrant officers and enlisted personnel of the Connecticut National Guard who attend schools, conferences or staff or ceremonial exercises by order of the Governor shall be paid their travel and actual expenses. Commissioned officers serving on boards or military commissions or attending conferences called by higher headquarters in or out of the state shall receive pay and allowance of their grade plus actual expenses.]

(e) Each [commissioned and warrant officer, chief petty officer and enlisted person] member of the naval militia when ordered out by the Governor, except when federal pay has been authorized, shall receive for each day's service the same pay and allowances as are prescribed by the federal government for the corresponding grades of members of the United States Navy. [but such pay shall be increased by the amount of ten dollars for enlisted persons and five dollars for chief petty officers, warrant officers, lieutenants junior grade and ensigns.]

(f) Members of the armed forces of the state, with the consent of the member and the consent of the Governor, may be ordered to perform military duty, including training, with or without pay and allowances. Prior to being ordered to perform military duty without pay and allowances, members of the armed forces shall be notified of their right to refuse consent at the time the consent required by this subsection is sought. When performing military duty with pay and allowances, such member shall be entitled to pay and allowances on the same scale as the corresponding grades of the federally recognized National Guard. Military duty without pay and allowances shall be, for all purposes other than for compensation for the duty performed, construed as if it were duty with pay and allowances.

(g) Members of the armed forces detailed from the retired list in accordance with section 27-54, with the consent of the member and the consent of the Governor, may be ordered to perform military duty with or without pay. Prior to being ordered to perform military duty without pay and allowances, members of the armed forces detailed from the retired list in accordance with section 27-54 shall be notified of their right to refuse consent at the time the consent required by this section is sought. When performing military duty with pay and allowances, such member shall be entitled to pay and allowances in their state retired grade on the same scale as the corresponding grades of the federally recognized National Guard. Military duty without pay and allowances shall be, for all purposes other than for compensation for the duty performed, construed as if it were duty with pay and allowances.

Sec. 2. Section 27-67 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[The commanding officer of any officer, soldier or sailor wounded, disabled or killed, when such disability or death is incident to the service, shall immediately make or cause to be made, by one or more officers detailed for the purpose, full inquiry and report concerning such injury or death, in writing, through channels to the Adjutant General, with the names and addresses of qualified witnesses and a full statement of the testimony of each concerning the nature and extent of the injury and the manner of its occurrence. Each member of the armed forces of the state who, when on duty or assembled therefor, in accordance with orders of competent authority, or when called in aid of any civil authority, is injured or contracts any disease while in the performance of

his or her duty or assembly therefor, without fault or neglect on his or her part, and thereby is temporarily or permanently disabled from continuing to perform his or her usual duties or occupation, shall, during the period of disability, receive benefits in accordance with the provisions of chapter 568.]

(a) As used in this part, "military duty" means the performance of military service by a member of the armed forces of the state pursuant to competent state military orders, whether paid or not paid for such military service, including training, performance of emergency response missions, and while travelling directly to or returning directly from the location of such military duty.

(b) Except as provided in section 4-165, a member of the armed forces of the state performing military duty in accordance with section 27-61, as amended by this act, shall be construed to be an employee of the state for the specific purposes of liability, immunity and being subject to the jurisdiction of the Workers' Compensation Commission and shall be compensated in accordance with the provisions of chapter 568 for death, disability or injury incurred while performing such military duty. A member of the armed forces of the state performing such military duty shall not be considered an employee of the state for other purposes.

(c) Any member of the armed forces of the state who performs military duties pursuant to sections 27-17 and 27-18, shall be construed to be an employee of the state for the specific purposes of liability, immunity and being subject to the jurisdiction of the Workers' Compensation Commission and shall be compensated in accordance with the provisions of chapter 568 for death, disability or injury incurred while performing such military duties. A member of the armed forces of the state performing such military duties shall not be considered an employee of the state for other purposes.

(d) Any member of the armed forces of the state performing state military duty in accordance with sections 27-17, 27-18 or 27-61, as amended by this act, may collect benefits under the provisions of chapter 568 based on the salary of the member's employment or the average production wage in the state, as determined by the Labor Commissioner under the provisions of section 31-309, whichever is greater, if the member of the armed forces is injured while engaged in military duties. The provisions of this subsection shall apply only if the member of the armed forces of the state is unable to perform the member's regular employment duties.

(e) For the purpose of this section, there shall be no prorating of compensation benefits because of other employment by a member of the armed forces of the state.

Sec. 3. Subsection (f) of section 31-58 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) "Employee" means any individual employed or permitted to work by an employer but shall not include any individual employed in camps or resorts which are open no more than six months of the year or in domestic service in or about a private home, except any individual in domestic service employment as defined in the regulations of the federal Fair Labor Standards Act, or an individual employed in a bona fide executive, administrative or professional capacity as defined in the regulations of the Labor Commissioner or an individual employed by the federal government, or any individual engaged in the activities of an educational, charitable, religious, scientific, historical, literary or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis, or any individual employed as a head resident or resident assistant by a college or university, or any individual engaged in baby sitting, or an outside salesman as defined in the regulations of the federal Fair Labor Standards Act; or any individual employed by a nonprofit theater, provided such theater does not operate for more than seven months in any calendar year; or a member of the armed forces of the state performing military duty;

Sec. 4. Subdivision (9) of section 31-275 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(9) (A) "Employee" means any person who:

(i) Has entered into or works under any contract of service or apprenticeship with an employer, whether the contract contemplated the performance of duties within or without the state;

(ii) Is a sole proprietor or business partner who accepts the provisions of this chapter in accordance with subdivision (10) of this section;

(iii) Is elected to serve as a member of the General Assembly of this state;

(iv) Is a salaried officer or paid member of any police department or fire department;

(v) Is a volunteer police officer, whether the officer is designated as special or auxiliary, upon vote of the legislative body of the town, city or borough in which the officer serves;

(vi) Is an elected or appointed official or agent of any town, city or borough in the state, upon vote of the proper authority of the town, city or borough, including the elected or appointed official or agent, irrespective of the manner in which he or she is appointed or employed. Nothing in this subdivision shall be construed as affecting any existing rights as to pensions which such persons or their dependents had on July 1, 1927, or as

preventing any existing custom of paying the full salary of any such person during disability due to injury arising out of and in the course of his or her employment;

(vii) Is [an officer or enlisted person of the National Guard or other] a member of the armed forces of the state [called to active duty by the Governor while performing his or her active duty service] performing military duty, whether paid or not paid for such military duty, in accordance with the provisions of sections 27-17, 27-18 or 27-61, as amended by this act, while performing such member's military duty; or

(viii) Is elected to serve as a probate judge for a probate district established in section 45a-2.

(B) "Employee" shall not be construed to include:

(i) Any person to whom articles or material are given to be treated in any way on premises not under the control or management of the person who gave them out;

(ii) One whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business;

(iii) A member of the employer's family dwelling in his house; but, if, in any contract of insurance, the wages or salary of a member of the employer's family dwelling in his house is included in the payroll on which the premium is based, then that person shall, if he sustains an injury arising out of and in the course of his employment, be deemed an employee and compensated in accordance with the provisions of this chapter;

(iv) Any person engaged in any type of service in or about a private dwelling provided he is not regularly employed by the owner or occupier over twenty-six hours per week;

(v) An employee of a corporation who is a corporate officer and who elects to be excluded from coverage under this chapter by notice in writing to his employer and to the commissioner; or

(vi) Any person who is not a resident of this state but is injured in this state during the course of his employment, unless such person (I) works for an employer who has a place of employment or a business facility located in this state at which such person spends at least fifty per cent of his employment time, or (II) works for an employer pursuant to an employment contract to be performed primarily in this state.

Sec. 5. Section 27-75 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Memorials to [veteran soldiers, sailors or marines] veterans of the armed forces of the state or the United States and memorials to state or federal military service may be

placed in state [armories] military facilities or erected upon [grounds appurtenant thereto by cities, towns or boroughs] state-owned or controlled military property, subject to the approval of the Adjutant General and without expense to the state.

Sec. 6. Subsections (b) and (c) of section 5-259d of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Notwithstanding any provision of the general statutes or any public or special act, the state shall continue to provide coverage, under a group hospitalization and medical and surgical insurance plan sponsored by the state under section 5-259, for the dependents of any state employee and the state employee who is a member of the armed forces of any state or of any reserve component of the armed forces of the United States and who has been called to active service in the armed forces of any state or the United States for [(1) Operation Enduring Freedom, (2) Operation Noble Eagle, (3) a related emergency operation or a military operation whose mission was substantially changed as a result of the attacks of September 11, 2001, (4) federal action or state action authorized by the Governor in support of the federal Department of Homeland Security's Operation Liberty Shield, military operations that are authorized by the President of the United States that entail military action against Iraq, or federal action or state action authorized by the Governor to combat terrorism within the United States, or (5) federal action or state action authorized by the Governor or the President of the United States that entails service or military action as part of Operation Jump Start at the border of the United States and Mexico] a military operation, war or national emergency, for the duration of such call-up to active service, provided such state employee and dependents were covered by the insurance plan on the date the state employee was called to active service and the state employee continues to pay any amount that the employee was required to pay for coverage before being called to active service. Any payment required to be made by the employee for coverage under this subsection may be deducted from compensation provided under subsection (c) of this section. The state shall reimburse any state employee who has paid premiums for the continuation of any such group hospitalization and medical and surgical insurance plan between the date such state employee was called to active service and November 20, 2001. The reimbursement shall be in the amount of the state's portion of the premiums so paid.

(c) Notwithstanding any provision of the general statutes or any public or special act, any state employee who is a member of the armed forces of any state or of any reserve component of the armed forces of the United States and who has been called to active service in the armed forces of any state or the United States for [(1) Operation Enduring Freedom, (2) Operation Noble Eagle, (3) a related emergency operation or a military operation whose mission was substantially changed as a result of the attacks of September 11, 2001, (4) federal action or state action authorized by the Governor in support of the federal Department of Homeland Security's Operation Liberty Shield,

military operations that are authorized by the President of the United States that entail military action against Iraq, or federal action or state action authorized by the Governor to combat terrorism within the United States, or (5) federal action or state action authorized by the Governor or the President of the United States that entails service or military action as part of Operation Jump Start at the border of the United States and Mexico] a military operation, war or national emergency, shall continue to accrue all vacation time, equivalent leave time and sick time to which the employee would be entitled if he or she had continued working in his or her state position during the time of such active service, and shall be credited with such accrued vacation time, equivalent leave time or sick time, except that if the accrual of such vacation time, equivalent leave time or sick time pursuant to this subsection while on active service would cause the employee to exceed any limit on leave time pursuant to any provision of the general statutes, the regulations of Connecticut state agencies or a collective bargaining agreement, the limit shall be temporarily waived to allow the employee to use the excess leave time before the later of the following: [(A)] (1) From the date of the state employee's discharge from active service until the state employee returns to state employment, [(B)] (2) not later than one hundred twenty calendar days after the state employee returns to state employment, [(C)] (3) not later than one hundred twenty calendar days after the state employee is credited with such excess leave time, or [(D)] (4) for state employees in teaching or professional positions in Unified School District #1 established pursuant to section 18-99a within the Department of Correction who were credited with equivalent leave time pursuant to this section, not later than one year after the employee is credited with such excess leave time. The employee shall be entitled to a leave of absence with pay as provided in section 27-33 from the date on which the employee was called to active service. After the expiration of such leave of absence with pay, the state employee shall receive part pay for the duration of such call-up to active service if the compensation received by the state employee for such active service is less than the employee's base rate of pay, plus longevity, in the employee's primary position. The state employee shall not be required to exhaust accrued vacation time, equivalent leave time or sick time in order to be eligible for the paid leave of absence and part pay under this subsection. As used in this section, "equivalent leave time" means leave time classified as other than vacation time or sick time and includes, but is not limited to, leave time classified as recess rather than vacation time.

Sec. 7. Subsection (a) of section 29-1s of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) Wherever the term "Department of Public Safety" is used in the following general statutes, the term "Department of Emergency Services and Public Protection" shall be substituted in lieu thereof; and (2) wherever the term "Commissioner of Public Safety" is used in the following general statutes, the term "Commissioner of Emergency Services and Public Protection" shall be substituted in lieu thereof: 1-24, 1-84b, 1-217, 2-90b, 3-2b, 4-68m, 4a-2a, 4a-18, 4a-67d, 4b-1, 4b-130, 5-142, 5-146, 5-149, 5-150, 5-169, 5-173, 5-192f,

5-192t, 5-246, 6-32g, 7-169, 7-285, 7-294f to 7-294h, inclusive, 7-294l, 7-294n, 7-294y, 7-425, 9-7a, 10-233h, 12-562, 12-564a, 12-586f, 12-586g, 13a-123, 13b-69, 13b-376, 14-10, 14-64, 14-67j, 14-67m, 14-67w, 14-103, 14-108a, 14-138, 14-152, 14-163c, 14-211a, 14-212a, 14-212f, 14-219c, 14-227a, 14-227c, 14-267a, 14-270c to 14-270f, inclusive, 14-283, 14-291, 14-298, 14-315, 15-98, 15-140r, 15-140u, 16-256g, 16a-103, 17a-105a, 17a-106a, 17a-500, 17b-90, 17b-137, 17b-192, 17b-225, 17b-279, 17b-490, 18-87k, 19a-112a, 19a-112f, 19a-179b, 19a-409, 19a-904, 20-12c, 20-327b, 21a-36, 21a-283, 22a-2, 23-8b, 23-18, 26-5, 26-67b, [27-19a,] 27-107, 28-25b, 28-27, 28-27a, 28-30a, 29-1c, 29-1e to 29-1h, inclusive, 29-1q, 29-1zz, 29-2, 29-2a, 29-2b, 29-3a, 29-3b, 29-4a, 29-6a, 29-7, 29-7b, 29-7c, 29-7h, 29-7m, 29-7n, 29-8, 29-9, 29-10, 29-10a, 29-10c, 29-11, 29-12, 29-17a, 29-17b, 29-17c, 29-18 to 29-23a, inclusive, 29-25, 29-26, 29-28, 29-28a, 29-30 to 29-32, inclusive, 29-32b, 29-33, 29-36f to 29-36i, inclusive, 29-36k, 29-36m, 29-36n, 29-37a, 29-37f, 29-38b, 29-38e, 29-38f, 29-108b, 29-143i, 29-143j, 29-145 to 29-151, inclusive, 29-152f to 29-152j, inclusive, 29-152m, 29-152o, 29-152u, 29-153, 29-155d, 29-156a, 29-161g to 29-161i, inclusive, 29-161k to 29-161m, inclusive, 29-161o to 29-161t, inclusive, 29-161v to 29-161z, inclusive, 29-163, 29-164g, 29-166, 29-176 to 29-179, inclusive, 29-179f to 29-179h, 31-275, as amended by this act, 38a-18, 38a-356, 45a-63, 46a-4b, 46a-170, 46b-15a, 46b-38d, 46b-38f, 51-5c, 51-10c, 51-51o, 51-277a, 52-11, 53-39a, 53-134, 53-199, 53-202, 53-202b, 53-202c, 53-202g, 53-202l, 53-202n, 53-202o, 53-278c, 53-341b, 53a-3, 53a-30, 53a-54b, 53a-130, 53a-130a, 54-1f, 54-1l, 54-36e, 54-36i, 54-36n, 54-47aa, 54-63c, 54-76l, 54-86k, 54-102g to 54-102j, inclusive, 54-102m, 54-102pp, 54-142j, 54-222a, 54-240, 54-240m, 54-250 to 54-258, inclusive, 54-259a, 54-260b, and 54-300.

Sec. 8. Sections 27-19a, 27-67a, 27-69 and 27-69a of the general statutes are repealed.
(Effective from passage)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	27-61
Sec. 2	<i>from passage</i>	27-67
Sec. 3	<i>from passage</i>	31-58(f)
Sec. 4	<i>from passage</i>	31-275(9)
Sec. 5	<i>from passage</i>	27-75
Sec. 6	<i>from passage</i>	5-259d(b) and (c)
Sec. 7	<i>from passage</i>	29-1s(a)
Sec. 8	<i>from passage</i>	Repealer section

VA Joint Favorable Subst. C/R
LAB Joint Favorable

LAB

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Department of Administrative Services - Workers' Comp. Claims	GF & TF- Indeterminate	Indeterminate	Indeterminate
Military Dept.	GF - Savings	Minimal	Minimal

Note: GF=General Fund and TF = Transportation Fund

Municipal Impact: None

Explanation

The bill may result in an impact to the Department of Administrative Services Workers' Compensation Program¹. The bill makes changes to the indemnity (wage) portion of workers' compensation benefit for military personnel who are called in to serve the state and in the course of duty experience a workers' compensation qualifying event. It is unlikely this change will have a significant annual impact on the Workers' Compensation Program as the state is currently liable for eligible claims costs for this population. The actual impact to the state program would depend on the total claimants eligible for benefits and their actual earnings at the time of the injury.

Currently, the indemnity portion of a military person's workers' compensation benefit is defined as one of the following: 1) the individual's earnings from their place of employment (this may be the state, military, other, etc.), 2) for individuals with concurrent employment a blended rate is calculated based on wages earned at each employer and the hours worked, or 3) for those unemployed, the lesser of \$233 a week or 75% of the average weekly production wage in the state.

The bill requires the indemnity benefit to equal the greater of the following: a) the salary of the individual in their present employment or b) the average production wage in the state^{2 3}. The bill does not appear to allow for proration for concurrent employment; it is assumed the wages earned from a single employer would be used to establish the indemnity benefit. The impact on the state for employed claimants would

depend on the claimants' actual wages. The impact on the state for unemployed claimants is increased from \$233 per week to \$658 per week.

The bill makes other clarifying and administrative changes to workers' compensation procedures and benefits for service members acting in the service of the state which do not result in a fiscal impact to the state workers' compensation program.

The bill will result in a minimal savings to the Military Department when the state's armed forces are ordered into service by the Governor. The savings are a result of removing \$5 and \$10 daily bonuses for certain members of the armed forces.

The Out Years

The annualized ongoing fiscal impact for the State's Workers' Compensation Program identified above would continue into the future subject to any changes in the state average production wage.

The annualized ongoing fiscal impact for the Military Department identified above would continue into the future subject to inflation.

OLR Bill Analysis

sHB 5172

AN ACT CONCERNING STATE MILITARY SERVICE.

SUMMARY:

This bill updates and changes several laws pertaining to the state's armed forces personnel and Military Department. It:

1. permits unpaid state military duty for the state's armed forces and its retirees with the consent of both the governor and member;
2. makes changes concerning pay, including elimination of additional state remuneration beyond salary for certain members;
3. gives the state's armed forces the same statutes as state employees for workers' compensation, liability, and immunity purposes when performing state military duty (i.e., under orders of the governor or another state civil authority);
4. repeals two death benefit statutes;
5. changes how certain military service is defined for state employees' benefits; and

6. removes the Military Department from the Department of Emergency Services and Public Protection where it currently is housed for administrative purposes only.

It also makes a change concerning memorials to veterans as well as technical and conforming changes.

EFFECTIVE DATE: Upon passage

STATE'S ARMED FORCES

By law, the state's armed forces are the (1) National Guard; (2) organized militia (i.e., the governor's guards, the State Guard, and other military forces the governor as commander-in-chief may designate); and (3) naval militia and marine corps branch of the naval militia, whenever organized (CGS § 27-2).

Paid and Unpaid State Service

The bill creates a clear two-track system of paid and unpaid (volunteer) service. It authorizes the state's armed forces members and retirees to be ordered to state military duty, including training, with or without pay with the consent of both the member and the governor.

It specifies that before being ordered to perform voluntary unpaid service, the member or retiree must be notified of the right to refuse to serve unpaid when asked to do so. When performing without pay or allowances, members' and retirees' work still counts for purposes of receiving credit toward retirement and any other benefits, as applicable.

The bill specifies that members and retirees on paid military duty the governor orders receive pay and allowances on the same pay scale and grade as when performing federal duty.

Pay Rate

The bill specifies that the state's armed forces, when ordered out by the governor are paid at the same rate as if they were ordered out by federal authority, including for the National Guard and organized militia longevity pay and allowances. It eliminates additional state payments beyond a salary of \$10 for most enlisted members and \$5 for chief petty officers, warrant officers, and junior commissioned officers.

It also specifies that the adjutant general determines the corresponding grades (pay according to rank) for the state's armed forces, including federally recognized National Guard units, to conform pay with federal rates, which is the current practice.

It eliminates a statutory mandate that Connecticut National Guard members (1) be paid for attending schools, conferences, staff or ceremonial exercises when ordered by the governor and (2) who are commissioned officers serving on boards or military commissions or attending conferences that higher headquarters call receive pay and allowances according to their grade (rank), plus expenses.

Workers' Compensation

The bill eliminates a step in current law's state armed forces worker's compensation process, which requires an inquiry and report by the injured or killed member's commanding officer. The bill instead makes a member of the state's armed forces a state employee for purposes of the existing civilian workers' compensation process, liability, and immunity. It specifies that workers' compensation coverage also applies to members who are performing unpaid service. The bill does not include workers' compensation coverage for paid federal duty.

Under the bill, members of the state's armed forces are considered state employees when performing military duty the governor orders, including when called out to assist in containing a riot or civil commotion, or by another civil authority when the governor cannot be reached. (By law, state employees and officers are not liable for damage or injury that is caused within the scope of their employment or by the discharge of their duties as long as they are not wanton, reckless, or malicious (CGS § 4-165).)

The bill specifies that members are not considered state employees for any purpose other than liability, immunity, and being subject to the Workers' Compensation Commission's jurisdiction and compensation for death, disability, or injury while performing state military duty.

Compensation Rate. Under the bill, any of the state's armed forces members performing state military duty may collect workers' compensation benefits based on his or her civilian salary or the average production wage in the state, whichever is greater, if the member is injured while engaged in military duties. This only applies if the member is unable to perform his or her regular employment duties.

Linking the benefit rate to the production wage means an increase in benefits for injured members whose non-military job pays less than the production wage.

Certain Death Benefits

The bill eliminates a \$20,000 payment under current law to the beneficiary of a state armed forces member who is killed in the line of duty while in state active service. Under current law, the payment goes to the next of kin if no beneficiary is named.

It also eliminates an obsolete death benefit the legislature enacted in 2005 intended for certain surviving dependents of Connecticut-domiciled armed forces members, including guard members and reservists, who were killed in action or died from illness or accident suffered while deployed and performing active-duty service in Southwest Asia in support of Operation Enduring Freedom (Afghanistan) or Operation Iraqi Freedom (Iraq) between September 11, 2001 and July 1, 2006.

The benefit under current law depends on whether there is a spouse or dependent children. For example, a spouse with no child receives \$50,000 in monthly installments over five years. But current law also specifies that any amount paid will be reduced by the amount paid for any federal death benefit. Since federal death benefits are well above state benefits, this provision is obsolete (see BACKGROUND).

State Employees Serving in the National Guard or Reserves

For state employees who are reservists or National Guard members who qualify for certain benefits, the bill replaces a list of specific military operations and actions with "military operation, war, or national emergency." This extends the qualifying criteria for benefits to future operations, wars, and national emergencies.

Under current law, state employees called to federal active-duty service in support of (1) Operation Enduring Freedom, (2) military action against Iraq, (3) Operation Noble Eagle (anti-terrorism actions within the U.S.), (4) federal or state action in support of Operation Liberty Shield or other anti-terrorism efforts in the U.S., and (5) Operation Jump Start (duty at the U.S. and Mexican border) receive up to 30 days' paid leave; payment of the difference between the employee's state pay (including longevity) and his or her military pay after 30 days. They are entitled to other fringe benefits, including continued state health insurance coverage for the employee and any dependents for the duration of active-duty service, as long as the employee continues to make the same insurance payments required before activation.

MEMORIALS

Under current law, cities, towns, or boroughs may place memorials to veteran soldiers, sailors, and marines in state armories and on the ground around the armories, subject to the adjutant general's approval and without cost to the state. The bill specifies that memorials to veterans of the U.S. armed forces may be placed in state military facilities or on state-owned or controlled military property under the same conditions.

BACKGROUND

SGLI

In mid-2005, Servicemembers' Group Life Insurance (SGLI) was \$250,000, but was raised to \$400,000 as of September 1, 2005. SGLI is a U.S. Department of Veterans' Affairs term life insurance plan that provides up to \$400,000 of coverage, in increments of \$10,000, to servicemembers. Coverage of \$400,000 is automatic, but members may decline it or elect reduced coverage, in writing. Proceeds are payable to beneficiaries on the servicemember's death.

COMMITTEE ACTION

Select Committee on Veterans' Affairs

Joint Favorable Substitute Change of Reference

Yea 10 Nay 0 (03/13/2012)

Labor and Public Employees Committee

Joint Favorable

Yea 11 Nay 0 (03/20/2012)

TOP

¹ The state's workers' compensation program is a self-insured, pay-as-you-go program

² As of May 2011 the average annual production wage in the state is \$34,220. (US Department of Labor, Bureau of Labor Statistics).

³ For unemployed individuals, the average production wage would be used to determine the indemnity portion of their benefit.

Agency Legislative Proposal - 2013 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

CTMD 2

(If submitting an electronically, please label with date, agency, and title of proposal -- 092611_SDE_TechRevisions)

State Agency:

CONNECTICUT MILITARY DEPARTMENT (CTMD)

Liaison: Lieutenant Colonel (LTC) Tim Tomcho

Phone (860) 548-3203

E-mail: timothy.tomcho@us.army.mil

Lead agency division requesting this proposal: Office of the Adjutant General

Agency Analyst/Drafter of Proposal: LTC Tomcho

Title of Proposal

AN ACT CONCERNING STATE MILITARY FAMILY RELIEF FUND

Statutory References : 27-100a

Proposal Summary

To revise statutes pertaining to state MILITARY FAMILY RELIEF FUND to expand eligibility to service members.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

- **Origin of Proposal**

X **New Proposal**

Resubmission

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

CTMD

Agency Name: Agency Contact (name, title, phone): Date Contacted: Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments No significant impact to other agencies.
Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

• **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation) n/a
State: Minimal
Federal N/a
Additional notes on fiscal impact: This is a self-funded off-budget account. No budgetary impact.

• **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

The expansion of eligibility to include service members provides a mechanism to alleviate hardships encountered by Connecticut residents arising from military service.

AN ACT CONCERNING THE STATE MILITARY FAMILY RELIEF FUND.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 27-100a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Sec. 27-100a. Military [Family] Relief Fund: established; grants; application process; evaluation of program; report. (a) As used in this section, (1) "department" means the Military Department, (2) "fund" means the Military [Family] Relief Fund established in accordance with this section, (3) "eligible member of the armed forces" and "eligible member" means a member of the armed forces, as defined in subsection (a) of section 27-103, including the Connecticut National Guard, who is domiciled in this state, (4) "immediate family member" means an eligible member's spouse, child or parent who is domiciled in this state, or any other member of an eligible member's family who lives in the same household as the eligible member, and (5) "essential personal or household goods or services" includes, but is not limited to, repairs, medical services that are not covered by insurance, transportation, babysitting, clothing, school supplies or any other goods or services that are essential to the well-being of an eligible member or eligible member's immediate family.

(b) There is established, within the General Fund, a separate, nonlapsing account to be known as the "Military [Family] Relief Fund". The account shall contain (1) any amounts appropriated or otherwise made available by the state for the purposes of this section, (2) any moneys required by law to be deposited in the account, and (3) gifts, grants, donations or bequests made for the purposes of this section. Investment earnings credited to the assets of the fund shall become part of the assets of the fund. Any balance remaining in the account at the end of any fiscal year shall be carried forward in the account for the fiscal year next succeeding. The State Treasurer shall administer the fund. All moneys deposited in the account shall be used by the Military Department for the purposes of this section. The Military Department may deduct and retain from the moneys in the account an amount equal to the costs incurred by the department in administering the provisions of this section, except that said amount shall not exceed two per cent of the moneys deposited in the account in any fiscal year.

(c) The Military Department shall use the Military [Family] Relief Fund to make grants to eligible members and immediate family members of eligible members of the armed forces for essential personal or household goods or services in this state if the payment for such goods or services would be a hardship for such eligible member or family member because of the

military service of the eligible member. The department shall not make any grant that exceeds \$5,000 or the balance available for grants in the fund.

(d) The department shall establish an application process that is simple for immediate family members. The department shall act on each application no later than seven days after the date on which the completed application is submitted to the department.

(e) [On or after six months from June 30, 2005, after evaluating the performance of the program during the preceding six months, including available resources and applications received, the department may commence the process to adopt regulations, in accordance with the provisions of chapter 54, that would facilitate the purposes of this section, including, but not limited to, establishing a maximum amount of each grant, of each type of grant or of grants to the immediate family members of any eligible member, and establishing criteria for the approval of grant applications.] The department [may] shall implement [the policies and procedures contained in such proposed] regulations [while in the process of adopting such proposed regulations, provided the department publishes notice of intention to adopt the regulations in the Connecticut Law Journal no later than twenty days after implementing such policies and procedures. Policies and procedures implemented] pursuant to section 27-20 (d) [this subsection shall be valid until the earlier of the date on which such regulations are effective or one year after the publication of such notice of intention] to implement this section.

(f) [On or before October 15, 2005, and on or before the fifteenth day following the close of each calendar quarter thereafter, t] The department shall submit a fiscal year report to the select committee [of the General Assembly having cognizance of matters relating to] on veterans' [and military] affairs, in accordance with section 11-4a, that contains the following information for the preceding [calendar quarter] fiscal year: (1) The number of applications received, (2) the number of eligible members whose immediate family members received grants under this section, (3) the amount in grants made to an eligible member or the immediate family of each such eligible member, (4) the uses for such grants, and (5) any recommendations regarding the Military [Family] Relief Fund[, including any proposed legislation to facilitate the purposes of this section]. Such reports shall not identify the name of any eligible member or of any immediate family member.

Notwithstanding the provisions of subsection (a) of section 1-210, all information obtained by the Military Department that contains the name or address of, or other information that could be used to identify, an eligible member or an immediate family member shall be confidential.

Section 2. Section 12-743aa of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Sec. 12-743a. Contribution from refunds to the Military [Family] Relief Fund. (a) Any taxpayer filing a return under this chapter for taxable years commencing on or after January 1, 2005, may contribute all or part of a refund under this chapter to the Military [Family] Relief Fund established in section 27-100a, by indicating on the tax return the amount to be contributed to the fund.

(b) A contribution or designation made pursuant to this section shall be irrevocable upon the filing of the return. A taxpayer making a contribution or designation pursuant to this subsection shall so indicate on the tax return in a manner provided for by the Commissioner of Revenue Services.

(c) A contribution of all or part of a refund shall be made in the full amount indicated if the refund found due the taxpayer upon the initial processing of the return, and after any deductions required by this chapter, is greater than or equal to the indicated contribution. If the refund due, as determined upon initial processing, and after any deductions required by this chapter, is less than the indicated contribution, the contribution shall be made in the full amount of the refund. The Commissioner of Revenue Services shall subtract the amount of any contribution of all or part of a refund from the amount of the refund initially found due the taxpayer and shall certify (1) the amount of the refund initially found due the taxpayer, (2) the amount of any such contribution, and (3) the amount of the difference to the Secretary of the Office of Policy and Management and the State Treasurer for payment to the taxpayer in accordance with this chapter. For the purposes of any subsequent determination of the taxpayer's net tax payment, such contribution shall be considered a part of the refund paid to the taxpayer.

(d) The Commissioner of Revenue Services, after notification of and approval by the Secretary of the Office of Policy and Management, may deduct and retain from the moneys collected under subsections (a) to (c), inclusive, of this section an

amount equal to the costs of administering this section, but in any fiscal year beginning on or after July 1, 2006, not to exceed four per cent of such moneys collected in such fiscal year. The Commissioner of Revenue Services shall deposit the remaining moneys collected in the Military [Family] Relief Fund.

Statement of Purpose:

To expand access to the Military Family Relief Fund by including eligible members of the armed forces.

Agency Legislative Proposal - 2013 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

CTMD 3

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency:

CONNECTICUT MILITARY DEPARTMENT (CTMD)

Liaison: Lieutenant Colonel (LTC) Tim Tomcho

Phone (860) 548-3203

E-mail: timothy.tomcho@us.army.mil

Lead agency division requesting this proposal: Office of the Adjutant General

Agency Analyst/Drafter of Proposal: LTC Tomcho

Title of Proposal

AN ACT CONCERNING MILITARY REGISTRATION OF X-RAY DEVICES

Statutory References : 22A-150

Proposal Summary

To revise statutes pertaining to payment of registration fee for military x-ray devices.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

- **Origin of Proposal**

X **New Proposal**

Resubmission

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Energy & Environmental Protection, Dept. of

Attorney: Melinda Decker

Title: Legal Director

Email: Melinda.Decker@ct.gov

Work Phone: (860) 424-3859

Attorney: Melinda Decker

Title: Legal Director

Email: Melinda.Decker@ct.gov

Work Phone: (860) 424-3859

Date Contacted: October 1, 2012

Approve of Proposal ☐ YES ☐ NO ☒ Talks Ongoing

Summary of Affected Agency's Comments

- Awaiting response

Will there need to be further negotiation? ☒ YES ☐ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

n/a

State:

Minimal

Federal

N/a

Additional notes on fiscal impact:

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

The payment of a fee to register federal x-ray equipment assigned to military units is inefficient and creates problems relative to agency funding sources. The state should not be taxing federal equipment in this manner.



AN ACT CONCERNING MILITARY REGISTRATION OF X-RAY DEVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 22A-150 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Sec. 22a-150. (Formerly Sec. 19-25a). Registration of x-ray devices. The Commissioner of Energy and Environmental Protection shall, by regulation, require registration of devices emitting x-rays used for diagnostic or therapeutic purposes by or under the supervision of a person or persons licensed to practice medicine, surgery, chiropractic, natureopathy, dentistry, podiatry or veterinary medicine and surgery, as authorized by law. The commissioner shall charge a registration fee of one hundred ninety dollars biennially for each such device, except that hospitals or military units operated by the state, [or] a municipality or the Connecticut National Guard shall be exempt from payment of the fee.

Statement of Purpose:

To provide the military a fee exemption for the registration of military x-ray devices.

Agency Legislative Proposal - 2013 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

CTMD 4

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency:

CONNECTICUT MILITARY DEPARTMENT (CTMD)

Liaison: Lieutenant Colonel (LTC) Tim Tomcho

Phone (860) 548-3203

E-mail: timothy.tomcho@us.army.mil

Lead agency division requesting this proposal: Office of the Adjutant General

Agency Analyst/Drafter of Proposal: LTC Tomcho

Title of Proposal

AN ACT CONCERNING MILITARY ACCESS TO FIREARM REGISTRATION RECORDS.

Statutory References : 29-28

Proposal Summary

To revise statutes to permit military access to firearm registration data.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

• Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

• Origin of Proposal

X **New Proposal**

Resubmission

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

• Agencies Affected (please list for each affected agency)

Agency Name: Emergency Services & Public Protection, Dept. of

Attorney: Janet Ainsworth
Title: Staff Attorney 3
Email: Janet.Ainsworth@ct.gov
Work Phone: (860) 685-8479

Date Contacted: October 1, 2012

Approve of Proposal ☐ YES ☐ NO ☒ Talks Ongoing

Summary of Affected Agency's Comments

- Awaiting response

Will there need to be further negotiation? ☒ YES ☐ NO

• **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)
n/a

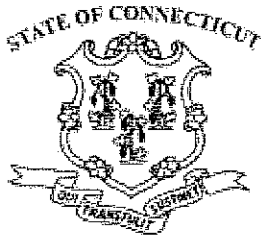
State:
Minimal

Federal
N/a

Additional notes on fiscal impact:

• **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

State military investigators routinely require access to state firearm registration data for military investigations, including suicide investigations involving members of the Connecticut National Guard. Permitting access for military purposes provides the state military necessary and efficient means to access the data.



AN ACT CONCERNING MILITARY ACCESS TO FIREARM REGISTRATION RECORDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (d) of section 29-28 of the general statutes as amended by Public Act 12-177 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Notwithstanding the provisions of sections 1-210 and 1-211, the name and address of a person issued a permit to sell at retail pistols and revolvers pursuant to subsection (a) of this section or a state or a temporary state permit to carry a pistol or revolver pursuant to subsection (b) of this section, or a local permit to carry pistols and revolvers issued by local authorities prior to October 1, 2001, shall be confidential and shall not be disclosed, except (1) such information may be disclosed to law enforcement officials acting in the performance of their duties, including, but not limited to, employees of the United States Probation Office acting in the performance of their duties, (2) the issuing authority may disclose such information to the extent necessary to comply with a request made pursuant to section 29-33 for verification that such state or temporary state permit is still valid and has not been suspended or revoked, and the local authority may disclose such information to the extent necessary to comply with a request made pursuant to section 29-33 for verification that a local permit is still valid and has not been suspended or revoked, [and] (3) such information may be disclosed to the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a-500, and (4) investigating officers of the United States armed forces, including the Connecticut National Guard, as defined by section 27-103.

Sec. 2. Subsection (e) of section 29-36g of the general statutes as amended by Public Act 12-177 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) Notwithstanding the provisions of sections 1-210 and 1-211, the name and address of a person issued an eligibility certificate for a pistol or revolver under the provisions of section 29-36f shall be confidential and shall not be disclosed, except (1) such information may be disclosed to law enforcement officials acting in the performance of their duties, including, but not limited to, employees of the United States Probation

Office acting in the performance of their duties, (2) the Commissioner of Emergency Services and Public Protection may disclose such information to the extent necessary to comply with a request made pursuant to section 29-33 for verification that such certificate is still valid and has not been suspended or revoked, [and] (3) such information may be disclosed to the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a-500, and (4) investigating officers of the United States armed forces, including the Connecticut National Guard, as defined by section 27-103.

Sec. 3. Subsection (a) of section 53-202d of the general statutes as amended by Public Act 12-177 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any person who lawfully possesses an assault weapon, as defined in section 53-202a, prior to October 1, 1993, shall apply by October 1, 1994, or, if such person is a member of the military or naval forces of this state or of the United States and is unable to apply by October 1, 1994, because he or she is or was on official duty outside of this state, shall apply within ninety days of returning to the state to the Department of Emergency Services and Public Protection, for a certificate of possession with respect to such assault weapon. The certificate shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth and thumbprint of the owner, and any other information as the department may deem appropriate. The department shall adopt regulations in accordance with the provisions of chapter 54 to establish procedures with respect to the application for and issuance of certificates of possession pursuant to this section. Notwithstanding the provisions of sections 1-210 and 1-211, the name and address of a person issued a certificate of possession shall be confidential and shall not be disclosed, except such records may be disclosed to (1) law enforcement agencies and employees of the United States Probation Office acting in the performance of their duties, [and] (2) the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a-50, and (3) investigating officers of the United States armed forces, including the Connecticut National Guard, as defined by section 27-103.

Statement of Purpose:

To provide military investigators access to firearm registration data.

Agency Legislative Proposal - 2013 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

CTMD 5

(If submitting an electronically, please label with date, agency, and title of proposal -- 092611_SDE_TechRevisions)

State Agency:

CONNECTICUT MILITARY DEPARTMENT (CTMD)

Liaison: Lieutenant Colonel (LTC) Tim Tomcho

Phone (860) 548-3203

E-mail: timothy.tomcho@us.army.mil

Lead agency division requesting this proposal: Office of the Adjutant General

Agency Analyst/Drafter of Proposal: LTC Tomcho

Title of Proposal

AN ACT CONCERNING MILITARY LEAVE FROM EMPLOYMENT

Statutory References : 27-33a

Proposal Summary

To revise statutes pertaining to uncompensated leave of absence to attend military duties.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

- **Origin of Proposal** X **New Proposal** **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Date Contacted:

Approve of Proposal ☐ YES ☐ NO ☐ Talks Ongoing

Summary of Affected Agency's Comments

•

Will there need to be further negotiation? ☐ YES ☐ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

n/a

State:

n/a

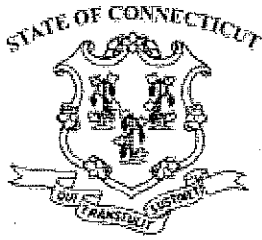
Federal

n/a

Additional notes on fiscal impact:

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

Revision of the statute clarifies that military leave of absence without compensation includes state military duties.



AN ACT CONCERNING MILITARY LEAVE FROM EMPLOYMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 27-33a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Sec. 27-33a. Leave from employment to attend military [reserve or National Guard] duty. The employer of any employee who, as a part of such employee's military service in the armed forces of the state or any reserve component of the armed forces of the United States, as defined by section 27-103, is required [to attend military reserve or National Guard] perform ordered military duty, including meetings or drills during regular working hours shall allow such employee leave of absence for such purpose. No such employee shall be subjected by any person, directly or indirectly, to any loss or reduction of vacation or holiday privileges by reason of such absence, or be prejudiced by reason of such absence with reference to promotion or continuance in office or employment, or to reappointment to office or reemployment.

Statement of Purpose:

To permit members of the armed forces of the state and reserve components of the armed forces of the United States leave of absence from civilian employers to attend military meetings and drills.

Agency Legislative Proposal - 2013 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

CTMD 6

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency:

CONNECTICUT MILITARY DEPARTMENT (CTMD)

Liaison: Lieutenant Colonel (LTC) Tim Tomcho

Phone: (860) 548-3203

E-mail: timothy.tomcho@us.army.mil

Lead agency division requesting this proposal: Office of the Adjutant General

Agency Analyst/Drafter of Proposal: LTC Tomcho

Title of Proposal

AN ACT CONCERNING MILITARY RECRUITER ACCESS TO MILITARY RECORDS

Statutory References : 1-219

Proposal Summary

To permit military recruiters to access military records.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

- **Origin of Proposal**

☒ **New Proposal**

☐ **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

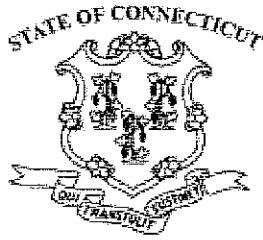
Date Contacted: _____ Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments •
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

• **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation) n/a
State: n/a
Federal n/a
Additional notes on fiscal impact:

• **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

Revision of the statute facilitates state military recruiting by permitting recruiters access to military record maintained by town clerks or state agencies. Prior to the passage of the restriction on military records, recruiters routinely accessed the records for recruitment leads. The restrictions places on the records were intended to reduce identity theft rather than permit the state to utilize the documents for routine purposes.



AN ACT CONCERNING MILITARY RECRUITER ACCESS TO MILITARY RECORDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1-219 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Sec. 1-219. Veterans' military records. (a) As used in this section: (1) "Armed forces" means the Army, Navy, Marine Corps, Coast Guard or Air Force of the United States; (2) "veteran" means any person honorably discharged from, or released under honorable conditions from active service or reserve status in the armed forces; (3) "military discharge document" means a United States Department of Defense form, including, but not limited to, a DD 214 form, or any valid paper that evidences the service, discharge or retirement of a veteran from the armed forces that contains personal information such as a service number or Social Security number; (4) "person" means any individual or entity, including, but not limited to, a relative of a veteran, a licensed funeral director or embalmer, an attorney-at-law, an attorney-in-fact, an insurance company or a veterans' advocate; and (5) "public agency" or "agency" means a public agency, as defined in section 1-200.

(b) A veteran or designee may file a military discharge document with the town clerk of the town in which the veteran resides or with any other public agency if the military discharge document is related to the business of the town or other agency, and the town or agency shall maintain and record the military discharge document in accordance with this section.

(c) Notwithstanding any provision of chapter 55, or any provision of section 11-8 or 11-8a, any military discharge document filed by or on behalf of a veteran with a public agency before, on or after October 1, 2002, except a military discharge document recorded before October 1, 2002, on the land records of a town, shall be retained by the agency separate and apart from

the other records of the agency. The contents of such document shall be confidential for at least seventy-five years from the date the document is filed with the public agency, except that:

(1) The information contained in the document shall be available to the veteran, or a conservator of the person of the veteran, [or] a conservator of the estate of the veteran[,] or a military recruiter of the armed forces United States, including the Connecticut National Guard, as defined by section 27-103, at all times;

(2) Any information contained in such military discharge document which is necessary to establish, or that aids in establishing, eligibility for any local, state or federal benefit or program applied for by, or on behalf of, the veteran, including, but not limited to, the name of the veteran, the veteran's residential address, dates of qualifying active or reserve military service, or military discharge status, shall be available to the public at all times; and

(3) In addition to the information available under subdivision (2) of this subsection, any other information contained in the document shall be available to (A) any person who may provide a benefit to, or acquire a benefit for, the veteran or the estate of the veteran, provided the person needs the information to provide the benefit and submits satisfactory evidence of such need to the agency, (B) the State Librarian as required for the performance of his or her duties, and (C) a genealogical society incorporated or authorized by the Secretary of the State to do business or conduct affairs in this state or a member of such genealogical society.

(d) The provisions of this section concerning the maintenance and recording of Department of Defense documents shall not apply to the State Library Board or the State Librarian.

Statement of Purpose:

To provide military recruiters access to military records for the purposes of facilitating service in the armed forces.



Agency Legislative Proposal - 2013 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

CTMD7

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency:

Connecticut Military Department

Liaison: Lt. Col. Tim Tomcho

Phone: (860) 548-3203

E-mail: timothy.tomcho@us.army.mil

Lead agency division requesting this proposal:

Office of the Adjutant General

Agency Analyst/Drafter of Proposal:

Lt. Col. Tim Tomcho

Title of Proposal

AN ACT CONCERNING SERVICE MEMBERS CIVIL RELIEF ACT PROCEEDINGS

Statutory Reference

Connecticut General Statutes, Title 27

Proposal Summary To provide that a service member is entitled to a stay pursuant to the Service Members Civil Relief Act may seek relief and provide testimony by electronic means under certain conditions.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

• Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary? **Yes. Department of Defense authorities provide for the electronic evidence to be used in hearings when members are deployed and are unable to appear in state or local courts.***
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? **Yes. It has facilitated court proceedings for deployed members of the armed forces.***
- (3) *Have certain constituencies called for this action? **Yes. Members of the Armed Forces have expressed their concern that their deployments have slowed legal proceedings, even though electronic testimony could have been used.***
- (4) *What would happen if this was not enacted in law this session? **Connecticut would fall behind other states in revising state laws to facilitate military service.***

• Origin of Proposal

☐ **New Proposal**

☒ **Resubmission**



If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: None

Agency Contact (name, title, phone): Date Contacted:

Approve of Proposal ☐ YES ☐ NO ☐ Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? ☐ YES ☐ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

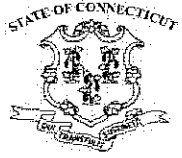
State

Federal

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

Favorable impact as the proposal will ensure that Connecticut law provides relief to deployed service members and a mechanism whereby electronic testimony may be used to facilitate the proceedings of deployed service members.



AN ACT CONCERNING SERVICEMEMBERS CIVIL RELIEF ACT PROCEEDINGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective July 1, 2013*) (a) Any member of the armed forces of the state or the United States who is entitled to a stay in a civil action or proceeding in the state pursuant to the Servicemembers Civil Relief Act, 50 USC App. 501, et seq. may, subject to the approval of the court under subsection (b) of this section, elect to proceed with such action or proceeding while such member is reasonably unavailable to appear in the location in which the action or proceeding is brought and may seek relief and provide evidence, through video-conferencing, Internet camera, electronic mail, or another reasonable electronic means. For family court matters, the preferred alternate method of proceeding shall be videoconferencing. Such testimony shall be provided under oath, in a manner viewable by all parties, and in the presence of a court reporter. In an action or proceeding where a party who is physically present in the state is permitted to use affidavits or seek temporary relief, the service member may submit testimony by affidavit.

(b) The court shall permit such member of the armed forces to proceed with such action or proceeding in the manner described in subsection (a) of this section unless, for good cause shown, the opposing party in such action or proceeding establishes that the use of the electronic means of presenting evidence would substantially prejudice such party.

STATEMENT OF PURPOSE

To provide that a member of the armed forces who is entitled to a stay in a civil action or proceeding pursuant to the Servicemembers Civil Relief Act may seek relief and provide testimony by electronic means under certain conditions.

Agency Legislative Proposal - 2013 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

CTMD 8

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency:

CONNECTICUT MILITARY DEPARTMENT (CTMD)

Liaison: Lieutenant Colonel (LTC) Tim Tomcho

Phone (860) 548-3203

E-mail: timothy.tomcho@us.army.mil

Lead agency division requesting this proposal: Office of the Adjutant General

Agency Analyst/Drafter of Proposal: LTC Tomcho

Title of Proposal

AN ACT CONCERNING THE NEW ENGLAND DISASTER TRAINING CENTER ACTIVITY ACCOUNT.

Statutory References : Title 27 – Armed Forces

Proposal Summary

To revise statutes to pertaining the establishment of the New England Disaster Training Center Activity Account.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

• Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

• Origin of Proposal

X **New Proposal**

 Resubmission

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

• Agencies Affected (please list for each affected agency)

CTMD

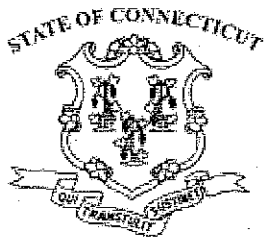
Agency Name: Agency Contact (name, title, phone): Date Contacted: Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments No significant impact to other agencies.
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation) n/a
State: Minimal
Federal N/a
Additional notes on fiscal impact:

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

The establishment of the non-lapsing account is necessary for the development of the New England Disaster Training Center operations. The current plans will establish a curriculum of disaster-response courses. To enable the center the necessary mechanism to operate a fee-based course offering – and to accept off-budget cycle grants and donations – a non-lapsing account is required.



**AN ACT CONCERNING THE NEW ENGLAND DISASTER TRAINING CENTER
ACTIVITY ACCOUNT.**

Be it enacted by the Senate and House of Representatives in General Assembly
convened:

(NEW) (*Effective July 1, 2013*) There is established an account to be known as the "New
England Disaster Training Center activity account" which shall be a separate,
nonlapsing account within the General Fund. The account shall contain any moneys
required by law to be deposited in the account and any moneys obtained from the
proceeds of operational activities of the New England Disaster Training Center. Moneys
in the account shall be expended by the Adjutant General for the purposes of operating
the New England Disaster Training Center.

Statement of Purpose:

To establish accounts for the purpose of operating the New England Disaster Training
Center.

Agency Legislative Proposal - 2013 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

CTMD 9

(If submitting an electronically, please label with date, agency, and title of proposal --092611_SDE_TechRevisions)

State Agency:

CONNECTICUT MILITARY DEPARTMENT (CTMD)

Liaison: Lieutenant Colonel (LTC) Tim Tomcho

Phone (860) 548-3203

E-mail: timothy.tomcho@us.army.mil

Lead agency division requesting this proposal: Office of the Adjutant General

Agency Analyst/Drafter of Proposal: LTC Tomcho

Title of Proposal

AN ACT CONCERNING THE DISPLAY OF THE STATE OR NATIONAL FLAG AT HALF STAFF.

Statutory References : 3-10f

Proposal Summary

To revise statutes to clarify the process to authorize the lowering of the state or federal flag to half staff.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

• Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

• Origin of Proposal

X **New Proposal**

 Resubmission

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)
Governor's Office

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal ☐ YES ☐ NO ☐ Talks Ongoing

Summary of Affected Agency's Comments

No significant impact to other agencies.

Will there need to be further negotiation? ☐ YES ☐ NO

• **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

n/a

State:

Minimal

Federal

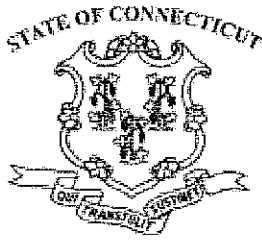
N/a

Additional notes on fiscal impact:

• **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

The current statute pertaining to the lowering of the state flag is improper. Federal law (FLAG CODE) authorizes the Governor to proclaim the flying of the National Flag at half staff for specific reasons. The state law does not authorize displaying of the state flag at half staff. However, if so ordered, it requires the Governor to also order the National Flag to be displayed at half staff. This restriction limits the options available to the Governor. For example, a service member may have a line of duty death while not on active duty (e.g. while performing state duty), which would not permit the Governor to display the state flag at half staff without lowering the National flag.

4 USC 7 (m) . . . "the event of the death of a present or former official of the government of any State, territory, or possession of the United States or the death of a member of the Armed Forces from any State, territory, or possession who dies while serving on active duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff . . ."



AN ACT CONCERNING THE DISPLAY OF THE STATE OR NATIONAL FLAG AT HALF STAFF.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 3-10f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Sec. 3-10f. [Lowering of flag for deceased service members]
Display of state or national flags at half staff. [Whenever the Governor prescribes that the state flag be flown at half-staff for a period following the death in the line of duty of a member of the armed forces, the Governor shall also prescribe that the national flag be flown at half-staff for the same period.]

(a) In the event of the death of a present or former principal figure of the state government or the line-of-duty death of a member of the Armed Forces from Connecticut, the Governor may proclaim that the National flag shall be flown at half-staff. When such an order is issued, all state government buildings, offices, public schools and military bases are to fly their National flags at half-staff.

(b) The Governor may proclaim that the state flag shall be flown at half-staff upon the death of a state official or celebrity, as a mark of respect to their memory. When such an order is issued, all state government buildings, offices, public schools and military bases are to fly their state flags at half-staff.

Statement of Purpose:

To provide statutory authority for the display of the state or national flag at half staff.